

Real Estate Board

Regulatory Review Checklist Explanation Sheet - (Pre-NOIRA)

Item 1: Specific reasons for the proposed regulations.

The Common Interest Community Management Information Fund (the Fund) was created by Acts of the 1993 General Assembly (chapter 958) and assigned to the Real Estate Board (the Board) for administration and support. The Fund was established to be used by the Board to “promote the improvement and more efficient operation of common interest communities through research and education.” These regulations will be the first set in place for the administration of the fund; there are no existing regulations to amend.

The NOIRA will solicit public comment on all areas of possible regulation with emphasis on the following areas:

- Definitions to be used in the regulations
- Source of monies to the fund
- Process used to award monies from the fund

Item 2: Legal Authority/Mandate.

The Board’s authority to promulgate regulations for the administration of the Common Interest Community Management Information Fund may be found in Section 55-530(C) of the Code of Virginia and was effective July 1, 1993. This section of the Code indicates that the Real Estate Board may prescribe regulations to accomplish the purpose of the Statute.

Item 3: Statement of Essential Nature.

Current estimates indicate the as many as one in seven individuals living in Virginia, resides in a common interest community. A large number of those living in these

communities are often not aware of the requirements of the various statutes involved in the day to day operation of the community. These include the Condominium Act (§ 55-79.39 et seq. of the *Code of Virginia*), the Virginia Real Estate Cooperative Act (§ 55-424 et seq. of the *Code of Virginia*), and the Property Owners' Association Act (§ 55-508 et seq. of the *Code of Virginia*).

These regulations are necessary to implement Acts of the 1993 General Assembly and administer the Common Interest Community Management Information Fund therein mandated to protect the public health, safety, and welfare of the citizens of the Commonwealth by improving and enhancing the efficient operation of common interest communities through research and education.

Item 4: Statement of Alternatives Considered.

This is the initial regulation promulgation activity for the administration of the Common Interest Community Management Information Fund, and no alternatives have been identified to evaluate. The Department of Professional and Occupational Regulation and the Real Estate Board will carefully weigh all information coming into its possession with the objective of developing regulations which intrude as little as possible into the conduct of commerce by the regulated community and have the smallest possible adverse impact on the public.